IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14454 of 2005

Between:

C. Ghouse Mohiddin, S/o. Pedda Mahaboob Sab,
R/o. Annavaram Village, Chapadu Mandal,
Kadapa District.

..... PETITIONER

AND

1 The Agasteswara Swamy Temple, Proddatur, rep. by its Executive Officer, Proddatur, Kadapa District.
2 The Commissioner of Endowments, Boggulakunta, Hyderabad.
3 T. Eswar Reddy, S/o. Subbareddy, R/o. Annavaram Village, Chapadu Mandal, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more particularly one in the nature of writ of Mandamus, or any other appropriate writ, declaring the action of the respondents 1 and 2 in putting to pubic auction the land of the 1st respondent temple in an extent of Ac.3-79 cents, wet in Sy.No.708/04, without evicting the 3rd respondent and handing over the possession of the same land to the petitioner pursuant to the auction dt. 7.06.2004 and without considering the reliefs sought by the petitioner in his representation dt. 17.05.2005 and 3.06.2005 as illegal, arbitrary and violative of Article 21 of the Constitution of India and it is further consequently prayed that this Hon'ble Court maybe pleased to direct the respondents not to hold the public auction of the lands in question on 7.07.2005 or other date pursuant to fresh auction

notice dt. 25.06.2005 of the 1st respondent and to direct the respondents 1 and 2 to evict the old tenant i.e., 3rd respondent and handover the possession of the land to the petitioner by enhancing his period of lease by one more year or to direct the respondent to refund the petitioner, the amount of Rs. 37,100/- with 18%interest from the date of payment till payments is made.

Counsel for the Petitioner: MR.S.R.SANKU

Counsel for the Respondent Nos. 1 & 2 : GP FOR ENDOWMENTS

Counsel for the Respondent No.3: --N.P.--

The Court, at the stage of admission, made the following:

Oral order:-

The petitioner's complaint in the writ petition is that despite being the highest bidder at an auction for lease-hold rights of the lands of the 1st respondent-Temple in an extent of Ac. 3-79 cents Wet in Survey No. 708/4 of Annavaram village, Chapadu mandal, Kadapa district; and deposited by him of the bid amount of Rs. 37,100-00 (Rupees Thirty seven thousand one hundred only) on the date of auction and the confirmation of the bid in his favour, the respondents are not handing over the possession of the lands to him from the 3rd respondent, who was the earlier tenant, on the ground that the appeal of the 3rd respondent against his eviction is pending.

The grievance in this writ petition is as regards the non-fulfillment of the reciprocal obligations of the 1st and 2nd respondents in respect of a non-statutory contractual relationship between the petitioner and the 1st respondent. Such disputes do not have adjudicative disposition under Article 226. The petitioner has an efficacious alternative remedy before the jurisdictional civil court.

Accordingly, the writ petition is dismissed. The petitioner is, however, at liberty to pursue his alternative remedies as are available under law. No costs.

GODA RAGHURAM, J

Dt. 06-07-2005

Pvks/*

To

1 The Executive Officer, the Agasteswara Swamy Temple, Proddatur,
Kadapa District.
2 The Commissioner of Endowments, Boggulakunta, Hyderabad.
3 T. Eswar Reddy, S/o. Subbareddy,
R/o. Annavaram Village, Chapadu Mandal, Kadapa District.

4. 2 CCs., to the learned Government Pleader for Endowments, A.P.

High Court Buildings, Hyderabad (OUT)

5. 2 CD copies

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